

ANIMAL LAW SECTION

Respectfully submits the following position on:

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HB 4478

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The Animal Law Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Animal Law Section only and is not the position of the State Bar of Michigan.

To date, the State Bar does not have a position on this matter.

The total membership of the Animal Law Section is 243.

The position was adopted after an electronic discussion and vote. The number of members in the decision-making body is 15. The number who voted in favor to this position was 14. The number who voted opposed to this position was 0.

## Report on Public Policy Position

**Name of Section:**

Animal Law Section

**Contact person:**

Ann M. Griffin

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**Bill Number:**

HB 4478 (Kosowski) Civil procedure; personal protection orders; acts that may be enjoined; include harming animals owned by petitioner. Amends sec. 2950 of 1961 PA 236 (MCL 600.2950).

**Date position was adopted:**

May 11, 2015

**Process used to take the ideological position:**

Position adopted after an electronic discussion and vote

**Number of members in the decision-making body:**

15

**Number who voted in favor and opposed to the position:**

14 Voted for position

0 Voted against position

0 Abstained from vote

1 Did not vote (absent)

**Position:**

Support

**Explanation of the position, including any recommended amendments:**

The State Bar of Michigan Animal Law Section supports HB 4478, which would allow animals to be included in personal protection orders. Research studies show the strong connection between violence against humans and animal abuse and that victims of domestic violence will delay or avoid leaving an abusive situation for fear of what will happen to their animals. Abusers will often use animals to try to manipulate and control their victims. By the end of 2014, 29 states, the District of Columbia, and Puerto Rico had all enacted legislation to allow the inclusion of pets in PPOs. Michigan needs to join that growing list of states in order to provide greater protection for both humans and animals in Michigan.

**The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.** <http://legislature.mi.gov/doc.aspx?2015-HB-4478>

**TESTIMONY ON BEHALF OF  
STATE BAR OF MICHIGAN ANIMAL LAW SECTION  
AND ATTORNEYS FOR ANIMALS IN SUPPORT OF HB 4478**

**STATE OF MICHIGAN, HOUSE OF REPRESENTATIVES  
CRIMINAL JUSTICE COMMITTEE**

May 19, 2015

Honorable Kurt Heise  
Chair, Criminal Justice Committee  
Representative, 20<sup>th</sup> District  
Michigan House of Representatives

Chair Heise and Committee Members:

Thank you for the opportunity to speak in support of HB 4478 which allows domestic violence victims who have an “ownership interest” in an animal to include that animal in personal protection orders.

I represent the State Bar of Michigan (SBM) Animal Law Section, and Attorneys for Animals, a Michigan nonprofit and 501(c)(3) organization based in Canton. Please note that the Animal Law Section is not the SBM, but rather a voluntary organization and that the Section’s position is not that of the SBM. The Section’s position statement, copies of which have been provided to you, give additional information about the Section and its decision-making process.

**HB 4478 acknowledges the well-established Link or connection between domestic violence and animal abuse.** Domestic violence involves a range of controlling behaviors. A growing body of research indicates that a significant number of individuals who abuse their partners also abuse their pets as part of this repertoire of controlling behaviors. (*Simmons and Lehmann 2007*).

The bill clarifies the victim’s right, and the judge’s authority, to include animals in protective orders. This is important due to:

- The sheer numbers
  - 128.8 million US households own a pet, of which 97.3 million own cats or dogs
  - 312.1 million total pets owned, including 85.8 million cats and 77.8 million dogs([http://americanpetproducts.org/press\\_industrytrends.asp](http://americanpetproducts.org/press_industrytrends.asp))
- Their importance to victims of domestic violence: fear for household animals’ welfare is a significant barrier preventing or delaying abuse victims escaping the situation. Twelve independent surveys have reported between 18% and 48% of battered women have delayed their decision to leave, or have returned to the batterer out of fear for their pets or livestock (*Ascione 2007*)
- Upwards of 71% of victims in domestic violence shelters report that their abuser harmed, killed or threatened family pets (*Ascione, Weber & Wood 1997*)

**The past 10 years has seen a growing recognition that legislative bodies have a significant role to play in addressing the Link.** This legislation places Michigan on par with 28 other states – nearly 60% of all states – that have enacted similar legislation since Maine became the first in 2006. (*AZ, AR, CA, CO, CT, HI,*

IL, IA, LA, ME, MD, MA, MN, OH, NV, NH, NJ, NY, NC, OK, OR, SC, TN, TX, VT, VA, WA, WV; also Washington, DC and Puerto Rico) (Animal Legal and Historical Center <https://www.animallaw.info/article/domestic-violence-and-pets-list-states-include-pets-protection-orders>; National Link Coalition <http://nationallinkcoalition.org/wp-content/uploads/2015/03/PPO-Summary-by-State-3-2015.pdf>)

A bill in Congress, HR 1258, the PAWS Act, (Pet and Women Safety Act of 2015) which has bi-partisan sponsorship and support, would strengthen federal law regarding domestic violence victims and their pets, and specifically calls on states to include pets in domestic violence protection orders. ["It is the sense of Congress that States should encourage the inclusion of protections against violent or threatening acts against the pet of the person in domestic violence protection orders." (SEC. 4)]. The American Veterinary Medical Association endorses the PAWS Act, stating that it is "consistent with information regarding co-occurrence of animal abuse and domestic violence and state legislative responses in the wake of research in this area." (<https://www.avma.org/News/JAVMANews/Pages/150515e.aspx>)

These laws can be effective: in Minnesota, which passed a law in 2010, the number of animals in protection orders increased from 165 that first year, to 1067 in 2013. (*National LINK Coalition's LINK-Letter, Vol. 7, No. 1, January 2014, p. 5, Pet Protective Order Statistics Reported in Minnesota*)

#### **Government and Private Partnership address an important societal concern**

This issue is being addressed by nonprofit organizations as well as by legislatures. Of the many organizations which devote resources to assisting people escape violent situations with their animals. I will mention two, because members of the groups I'm speaking on behalf of today, are involved in both:

- Sheltering Animals & Families Together™ (SAF-T) which guides domestic violence shelters on how to house families together with their pets and which has published the SAF-T Start-Up Manual setting forth three housing styles and answering questions about how to safely house pets on-site at a domestic violence shelter. (<http://alliephillips.com/saf-tprogram/>)
- Red Rover, a 501(c)(3) organization provides a variety of resources, including monetary grants for individual victims of domestic violence (Safe Escape) and for shelters (Safe Housing); and a database, by zip code connecting victims to the nearest safe place for their animals. (<http://www.redrover.org/redrover-relief-domestic-violence-resources>)

The Animal Law Section of the State Bar of Michigan and Attorneys for Animals ask that the members support the bill and vote it favorably out of this Committee.

Very truly yours,



Beatrice M. Friedlander, JD  
Member, Animal Law Section Council  
President, Attorneys for Animals